

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BARBARA WADE o/b/o B.J.,

Plaintiff,

v.

Case No. 8:18-cv-2947-T-AEP

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court upon Plaintiff's Petition for Attorney Fees (Doc. 25). By the motion, Plaintiff seeks an award of attorney's fees in the amount of \$4,129.75 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On March 30, 2020, this Court entered an Order reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 23). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 24). As the prevailing party, Plaintiff now requests an award of attorney's fees. *See* 28 U.S.C. § 2412(d)(1)(A); *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

Namely, Plaintiff requests an award of attorneys' fees for time expended by one attorney on this matter. Plaintiff seeks an award for 21.15 hours expended by counsel at an hourly rate of \$195.26. Based on the undersigned's own knowledge and experience, and for the reasons set forth in Plaintiff's motion, the undersigned concludes that both the hours expended and the hourly rates requested are fair and reasonable. Furthermore, as Plaintiff contends, the position of the United States was not substantially justified, and no special circumstances exist which

would make an award of attorney's fees unjust in this instance. *See* 28 U.S.C. § 2412(d)(1)(A). Indeed, the Commissioner does not oppose the requested relief (Doc. 25, at 2). After issuance of an order awarding EAJA fees, however, the United States Department of the Treasury should determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees (Doc. 25-2) and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Petition for Attorney Fees (Doc. 25) is GRANTED.
2. Plaintiff is awarded fees in the amount of \$4,129.75.
3. The government is directed to pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees, unless the Department of Treasury determines that Plaintiff owes a federal debt.

DONE AND ORDERED in Tampa, Florida, on this 30th day of June, 2020.



ANTHONY E. PORCELLI
United States Magistrate Judge